

**REMARKS**

Counsel thanks Examiner Chevalier for the courtesy of an interview held on September 14, 2004.

The Examiner's indication of allowable subject matter in paragraphs 6-7 of the Office Action is noted with appreciation.

Claims 6-7, 9, 11-14, 16, 17, 21, 35-38, 40-44, 46, and 48-61 are pending in the instant application. Allowed claims 6-7, 9, 11-14, 16, 17, and 21 remain unchanged. Allowable claims 41, 42, 46, and 60 have been rewritten in independent form including all limitations of base claim 35 and the respective intervening claims, in the manner kindly suggested by the Examiner in paragraph 7 of the Office Action. Independent claims 35, 37 and 49 have been amended to better define the claimed invention over the art. Claims 40, and 43 have been amended to change their dependency. No new matter has been introduced through the foregoing amendments.

Claims 6-7, 9, 11-14, 16, 17, and 21 stand allowed. Claims 41-44, 46 and 60 include the indicated allowable subject matter and should also be allowed.

The Examiner's 35 U.S.C. 103(a) rejection relying on *Harvison* and *Hedblom* is noted. The Examiner proposed to modify the anti-slip surfaces of *Harvison* with the drainage channels of *Hedblom* to arrive at the invention of the rejected claims.

The teaching of *Hedblom* is the necessity of providing *protuberances* 14 located on a *flexible* base sheet 12 and then selectively disposing a layer 30 of bonding material onto the protuberances 14 (see column 3, lines 40 and 41; and column 4, lines 3 to 8). There is no disclosure in *Hedblom* of forming a pattern directly onto a substrate, *Hedblom* teaches "a barrier layer 30 disposed in at least the valley 16 but as shown, preferably, also is disposed over the protuberances 14 to from a substantially continuous layer on the front side" see column 4, lines 3 to 6. The reason for this layer is to prevent chalking of the base sheet.

In addition, *Hedblom* is clearly limited to a rubber or rubber-like substrate which is needed in combination with protuberances 14 to enable them to be coated by the method described at column 7, line 46 to column 8, line 42. Please specifically note the use of the term *resilient base sheet* at column 7, line 48. Thus, if an anti-slip panel is to be provided with uncoated lines, for example for drainage purposes, the teaching is that the substrate must be resilient and provided with protuberances to be coated.

The skilled person on considering the disclosure of *Hedblom* with *Harvison* would, at best, apply the coated *flexible* substrate of *Hedblom* onto the fibre glass tile of *Harvison*, in place of the direct aluminium oxide coating of *Harvison*.

Independent claim 35 has been amended to define over the applied references. Amended independent claim 35 is patentable over the applied references, because the references in combination fail to disclose, teach or suggest all limitations of amended independent claim 35, i.e., a substrate having a **substantially flat** working surface on which a coating is applied. This limitation was discussed at the September 14, 2004 interview, and was indicated in the Interview Summary to probably overcome the *Hedblom* reference. The newly added limitation finds support in the specification as filed, e.g., the paragraph bridging pages 4-5, more specifically, the description at page 4, lines 21-25.

As discussed above, the combined anti-slip product of *Harvison* and *Hedblom* necessarily includes a flexile base provided with protuberances. Such a structure cannot be regarded as being substantially flat, considering the *Hedblom* teaching that the entire substrate (including the protuberances) is about 1.4 mm thick wherein the protuberances are about 1 mm high, i.e., the protuberances define more than half the total thickness of the substrate. See column 10, lines 16-20 and FIG. 2 of *Hedblom*. Thus, the combined anti-slip product of *Harvison* and *Hedblom* does not include a substrate having a substantially flat working surface as presently claimed. Amended claim 35 is thus patentable over the applied art.

Claims 36-38, 40 depend from claim 35, and are considered patentable at least for the reason advanced with respect to amended claim 35. Claims 36-38, 40 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art. For example, claim 40 includes the allowable subject matter indicated in the Office Action.

Independent claim 37 has been amended to define over the applied references. Amended independent claim 49 is patentable over the applied references, because the references in combination fail to disclose, teach or suggest all limitations of amended independent claim 49, i.e., **the width of the cutting lines is smaller than the width of the coated regions**. This limitation was discussed at the September 14, 2004 interview. The newly added limitation finds support in the specification as filed, e.g., the paragraph bridging pages 4-5, more specifically, the description at page 4, lines 28-29 of “a regular grid pattern of 25 mm squares formed on the working surface thereof by laying down lines of 5 mm wide self-adhesive masking tape,” i.e., a regular pattern of 25 mm x 25 mm coated regions separated by 5mm wide uncoated cutting lines. As can be seen in FIG. 1 of *Hedblom*, the width of the coated protuberances is about the same as the width of the drainage channels. Amended claim 37 is thus patentable over the applied art.

Claim 48 depends from claim 37, and are considered patentable at least for the reason advanced with respect to amended claim 37. Claim 48 is also patentable on its own merit since the claim includes the allowable subject matter indicated in the Office Action.

Independent claim 49 has been amended to define over the applied references. Amended independent claim 49 is patentable over the applied references, because the references in combination fail to disclose, teach or suggest all limitations of amended independent claim 49, i.e., an entire thickness of said panel in the uncoated region is **greater than half** the entire thickness of said panel, including the substrate and the coating, in the coated region. This limitation finds support in the specification as filed, e.g., the paragraph bridging pages 4-5, more specifically, the description at page 4, lines 25 and 27 and page 5, line 2.

In contrast, in the combined product of *Harvison* and *Hedblom*, the thickness of the combined product in the uncoated region would be less than half the entire thickness of the combined product, including the substrate and the coating, in the coated region. The most relevant teaching of *Harvison* is the tile illustrated in FIG. 5 of the reference. See also column 5, lines 48-55 of *Harvison*. (In the remaining drawings and the corresponding text, *Harvison* teaches applying a coating to a preexisting surface, and therefore fails to teach or suggest a panel. See e.g., column 1, lines 12-18 of *Harvison*.) As can be seen in FIG. 5 of *Harvison*, the thicknesses of the coating 20 and the base portion or substrate 19/18 are about the same. The thickness of the *Harvison* base portion or substrate 19/18 would define the thickness of the uncoated region in the combined product. The thicknesses of the *Harvison* coating 20 and substrate 19/18 together with the thickness of the *Hedblom* protuberances would define the thickness of the coated region in the combined product. Apparently, the thickness of the combined product in the uncoated region would be less than half the thickness of the combined product in the coated region. Amended claim 49 is thus patentable over the applied art.

Claims 50-59 depend from claim 49, and are considered patentable at least for the reason advanced with respect to amended claim 49. Claims 50-59 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art. For example, claims 56 and 58 include the allowable subject matter indicated in the Office Action.

Each of the Examiner's rejections has been overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN GILMAN & BERNER, LLP**

  
Benjamin J. Hauptman  
Registration No.: 29,310

*USPTO Customer No. 22429*  
1700 Diagonal Road, Suite 310  
Alexandria, VA 22314  
(703) 684-1111 BJH/KL/klb  
(703) 518-5499 Facsimile  
**Date: September 16, 2004**